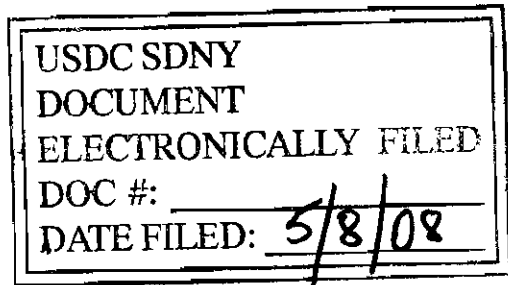


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



E\*TRADE FINANCIAL CORPORATION, et al.,

Plaintiffs,

-against-

08 Civ. 2993 (RJH)

MARCUS J. HERNANDEZ, et al.,

Defendants.

**ORDER**

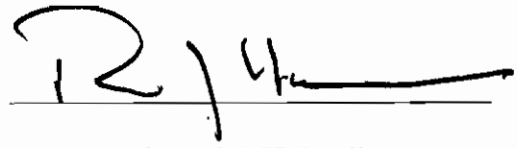
The parties have reported to the Court that they have reached a settlement of this matter. Accordingly, it is hereby ORDERED that this action is discontinued without costs (including attorney's fees) to either party and without prejudice to restoration of the action to the calendar of the undersigned within 30 days of the date of this Order if in fact there has not been a settlement of this matter. If either party wishes to reinstate this matter, the party must make a letter application to the undersigned before the 30-day period expires.

The parties are advised that if they wish the Court to retain jurisdiction in this matter for purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the next 30 days with a request that the agreement be "so ordered" by the Court.

In accordance with the request of the parties, the Court will mark the parties' May 5, 2008 submissions as sealed.

SO ORDERED.

Dated: New York, New York  
May 7, 2008

A handwritten signature in black ink, appearing to read 'R. J. Holwell', written over a horizontal line.

Richard J. Holwell  
United States District Judge